

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 16.10 OF THE SAN LUIS OBISPO COUNTY
CODE TO PROHIBIT THE IGNITING AND LAUNCHING OF SKY LANTERNS**

WHEREAS, it is the desire and intent of the Board of Supervisors of San Luis Obispo County to provide citizens with the greatest degree of protection from fire; and

WHEREAS, the State Fire Marshal has determined that there is a serious fire and safety hazard associated with sky lanterns, which includes the potential to start unintended fires; and

WHEREAS, the County Fire Chief has confirmed hostile fires from the use of sky lanterns in San Luis Obispo County; and

WHEREAS, the Board of Supervisors desires to protect the lands, fields, buildings and homes within the unincorporated areas of the County from the danger of fire by prohibiting the igniting and launching of sky lanterns; and

WHEREAS, on December 7, 2010, the Board of Supervisors adopted the latest edition of Part 9, Title 24 of the California Building Standards Code, which is known as the California Fire Code, with local additions, amendments and deletions thereto as authorized by California Health and Safety Code Sections 18941.5 and 17958.5; and

WHEREAS, on November 9, 2010, the Board of Supervisors of San Luis Obispo County adopted Findings as set forth in Resolution No. 2010-319 with regard to local climatic, geologic and topographic conditions as required by California Health and Safety Code Section 17958.7, that because of such conditions that exist in the county that the amendments to the California Fire Code are reasonably necessary to protect the citizens life, health and property, which Findings are hereby incorporated by this reference; and

WHEREAS, this Ordinance will amend the San Luis Obispo County Code to further amend the California Fire Code to prohibit, with an exception, the igniting and launching of sky lanterns.

NOW THEREFORE, the Board of Supervisors of the County of San Luis Obispo, State of California, ordains as follows:

SECTION 1:

Chapter 16.10, Section 16.10.60, of the San Luis Obispo County Code, *Amendments made to the California Fire Code*, is hereby amended by adding a new subsection (dd), *Amendment No. 30*, as follows:

(dd) Amendment No. 30:

Section 302.1, "Definitions", is amended to add the following definition:

SKY LANTERN. An airborne lantern typically made of paper with a wood frame containing a candle, fuel cell composed of waxy flammable material or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. Sky candles, fire balloons and airborne paper lanterns mean the same as sky lanterns.

SECTION 2:

Chapter 16.10, Section 16.10.60, of the San Luis Obispo County Code, *Amendments made to the California Fire Code*, is hereby amended by adding a new subsection (ee), *Amendment No. 31*, as follows:

(ee) Amendment No. 31:

New Section 308.1.6.3 is added to read as follows:

308.1.6.3 Sky lanterns. The ignition and launching of sky lanterns is prohibited.

Exceptions:

(1) Upon approval of the fire code official, sky lanterns may be used under the following conditions:

(a) When necessary for religious or cultural ceremonies and adequate safeguards have been taken in the discretion of the fire code official. Sky Lanterns must be tethered in a safe manner to prevent them from leaving the area and must be constantly attended until extinguished.

SECTION 3:

All other provisions of Chapter 16.10 shall remain unchanged.

SECTION 4:

The Board of Supervisors has considered the amendments to Chapter 16.10 that are proposed with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, the evidence presented at the hearings on said matter, and all comments that were received during the public hearing process, determined that this activity is exempt from review pursuant to CEQA Guidelines Section 15061(b)(3) which

provides that an activity is not subject to CEQA review where it can be seen with certainty that there is no possibility that it may have a "significant effect on the environment." The Board of Supervisors finds that it can be seen with certainty that there is no possibility that the adoption of the amendments to Chapter 16.10 as stated above may have a significant effect on the environment because there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment. The Board of Supervisors hereby approves this adoption of the above amendment to Chapter 16.10 in accordance with the California Environmental Quality Act and the County's regulations implementing said Act.

SECTION 5:

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 6:

This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the _____ day of _____, 20____, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the _____ day of _____, 20____, by the following roll call vote, to wit:

YES:

NOES:

ABSENT:

ABSTAINING:

Chairperson of the Board of Supervisors,
County of San Luis Obispo,
State of California

ATTEST:

County Clerk and Ex-Officio Clerk
of the Board of Supervisors
County of San Luis Obispo, State of California
[SEAL]

ORDINANCE CODE PROVISIONS APPROVED
AS TO FORM AND CODIFICATION:

RITA L. NEAL
County Counsel

By: 
Chief Deputy County Counsel

Dated: April 4, 2013